

Role of Forensic Science under Bharatiya Nyaya Sanhita, 2023

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Abstract—The transformation of India’s criminal justice system by introducing Bharatiya Nyaya Sanhita, 2023, by replacing the Indian Penal Code, 1860. The BNS modernising investigation of crime by scientific methods, with the integration of forensic science. This research paper critically analyses the growing role of forensic science under BNS. The reconstruction of the 511 sections of IPC into the 358 sections in BNS. The BNS has introduced new offences, like organised crime, mob lynching, terrorism, hit and run, Acts Endangering Sovereignty, Unity and Integrity of India, petty organised crime and snatching, according to modern society. The BNS shifted the traditional method of investigation into a scientific method of investigation and evidence-based investigation. The IPC relies on confessions and eyewitness testimony, which may be manipulated, but BNS relies on scientific evidence like DNA, fingerprints, handwriting, digital forensics, and footprints. The study concludes that the BNS has laid a strong foundation for the integration of forensic science in the criminal justice system.

Index Terms—Bharatiya Nyaya Sanhita, Forensic science, scientific methods and techniques.

I. INTRODUCTION

The criminal justice system in India has changed with the introduction of the Bharatiya Nyaya Sanhita. The Bharatiya Nyaya Sanhita, 2023, replaced the colonial-era Indian Penal Code of 1860. It came into force on 1 July 2024. The Indian Penal Code contained 511 sections. These sections are being restructured into 358 in Bharatiya Nyaya Sanhita. This legislation reforms from a punishment-oriented framework to a reformation-oriented system. One of the primary reasons for these changes is an increase in modern and technologically advanced crimes like cybercrimes and financial fraud. These crimes require modern technological advancement in the method of investigation rather than the traditional method. The Bharatiya Nyaya Sanhita introduces several new offences, like mob lynching, organised crime, sexual intercourse by deceitful means, snatching and publishing court proceedings. Bharatiya Nyaya Samhita also focuses on the reformation theory by introducing community services as a penalty for first-time offenders.

Forensic science is defined as “the application of science to those criminal and civil laws that are enforced by police agencies in a criminal justice system” (Richard Saferstein). The changes in the nature of crime, like cybercrime and organised crime, require scientific methods for evidence collection, analysis, examination and courtroom presentation. The integration of forensic science is strengthened not only through substantive law but also through its procedural and evidentiary law, namely Bharatiya Nagarik Suraksha Sanhita and Bharatiya Sakshya Adhinyam, 2023.

II. OBJECTIVES

- To study the transformation from the Indian Penal Code, 1860, to BNS, 2023.
- To study the integration of forensic science in the new criminal law framework.

III. RESEARCH METHODOLOGY

This study adopts a doctrinal and analytical research methodology to analyse the role of forensic science under the Bharatiya Nyaya Sanhita. It is based on secondary data sources such as statutes, research articles and reports. A comparative approach is used to analyse the reformation from the Indian Penal Code, 1860, to the Bharatiya Nyaya Sanhita, 2023, with a focus on the integration of forensic science.

IV. CONCEPT AND SCOPE OF FORENSIC SCIENCE

Forensic science is the application of science to matters of criminal and civil law. The branches of sciences like chemistry, physics, biology, and statistics are utilised to identify, examine, or compare physical evidence in the criminal investigation. The word ‘Forensic’ originated from the Latin word ‘forensis’, which means before the forum or public discussion. The branches of forensic science include: Forensic Chemistry, Forensic Ballistics, Fingerprint Examination (Dactyloscopy), Question Document Examination, Forensic Biology or Serology, Mobile Forensic, Forensic Toxicology, Forensic Anthropology, Forensic Odontology, and Forensic Psychology.

V. ROLE OF FORENSIC SCIENCE IN BNS, 2023

A. Offences Against the Human Body

Table 1: Offences Against the Human Body

Sl. N	BNS Section	Offence	Role of Forensic Science
1	Sec. 103	Murder	Autopsy, DNA profiling, bloodstain pattern analysis, toxicology and ballistics.
2	Sec. 104	Culpable Homicide	Determination of cause and manner of death.
3	Sec. 115–118	Hurt and Grievous Hurt	Injury assessment, weapon identification and age of wounds.

B. Sexual Offences

Table 2: Sexual Offences

Sl. N	BNS Section	Offence	Role of Forensic Science
1	Sec. 63	Rape	DNA analysis, semen/saliva detection, injury documentation, and toxicology in drug-facilitated assaults.
2	Sec. 64–70	Aggravated Rape	Corroborative biological and medical evidence.

C. Offences Against Property

Table 3: Offences Against Property

Sl. N	BNS Section	Offence	Role of Forensic Science
1	Sec. 305	Theft	Fingerprint and tool mark examination.
2	Sec. 309	Robbery	Trace evidence and CCTV analysis.
3	Sec. 310	Dacoity	DNA and ballistic evidence for group identification.

D. Forgery and Document-Related Offences

Table 4: Forgery and Document-Related Offences

Sl. N	BNS Section	Offence	Role of Forensic Science
1	Sec. 336–340	Forgery and Use of Forged Documents	Handwriting analysis, ink and paper examination, and digital document forensics.

VI. NEWLY INTRODUCED OFFENCES UNDER BNS, 2023

Organised Crime – Section 111

It refers to continuing unlawful activity by any person or group acting as part of an organised crime syndicate, by use of violence, threat of violence, intimidation, coercion, or any other unlawful means to obtain direct or indirect material benefit. Section 111 includes kidnapping, robbery, vehicle theft, extortion, land grabbing, contract killing, economic offences, cybercrimes, human trafficking, drug trafficking, arms trafficking, smuggling and illegal trade.

Terrorist Act – Section 113

It refers to any act with the intent to threaten the unity, integrity, sovereignty, security, or economic security of India, or with the intent to strike terror in the people by using bombs, dynamite, explosive substances, inflammable substances, firearms, poisonous or noxious gases, or other chemicals.

Mob Lynching – Section 103(2)

It refers to the killing of a person by a group of five or more persons acting in concert, which is murder on the grounds of race, caste or community, sex, place of birth, language, personal belief or any similar ground.

Petty Organised Crime – Section 112

It refers to criminal activities committed by a person or a group of persons in concert, for financial benefit, including theft, snatching, cheating, unauthorised betting, gambling, selling of public examination question papers, shoplifting, and illegal vending.

Acts Endangering Sovereignty – Section 152

It refers to a person who commits an act purposely or knowingly by words, either spoken or written, by sign, or by visible representation, or by electronic communication, excites or attempts to excite secession or armed rebellion or subversive activities that endanger the sovereignty or unity and integrity of India.

Hit and Run with Enhanced Penalties – Section 106(2)

It refers to the cause of death of any person by rash and negligent driving of a vehicle not amounting to culpable homicide, and escaping without reporting it to a police officer or a Magistrate soon after the incident.

Snatching – Section 304

It refers to the act where an offender suddenly or quickly or forcibly seizes or secures or grabs or takes away from any person any movable property.

VII. FINDINGS

- The transition from the Indian Penal Code, 1860, to the Bharatiya Nyaya Sanhita, 2023, modernises the Indian criminal justice system.
- The BNS highlights scientific investigation for crime through modern technologies such as fingerprint identification, digital forensics and DNA profiling.
- In serious offences punishable with seven years or more imprisonment, a forensic examination is conducted to ensure reliable evidence.
- The BNS introduced new offences, such as organised crime, terrorism, mob lynching, snatching, and hit and run.
- The BNS relies on scientific evidence, which reduces the dependency on confessions and eyewitness testimony.
- The BNS emphasises biological evidence, such as DNA, for the identification of an offender or victim.
- The BNS promotes reformation of offenders by introducing community service as a penalty for simple and first-time offenders.

VIII. SUGGESTIONS

- The establishment of well-equipped forensic laboratories at the state and district level.
- Adopt a uniform procedure for evidence collection, preservation and examination to maintain the integrity of evidence.
- Conduct public awareness programs about the law to educate the public.
- Provide regular training to police officers and forensic experts on the proper handling of forensic evidence.
- Establish a mobile forensic unit to assist in evidence collection, especially in rural and remote areas.
- Invest in advanced digital forensic laboratories, tools and techniques like blockchain analysis and AI intelligence.

IX. CONCLUSION

The introduction of the Bharatiya Nyaya Sanhita, 2023, significantly changes the Indian criminal justice system, replacing the Indian Penal Code, 1860. The BNS consists of 358 sections, replacing 511 sections in IPC. One of the main reasons to transition is to strengthen investigation through the integration of forensic science. The BNS introduces new offences, like organised crime, terrorism, snatching, mob lynching, and hit and run. The integration of BNS with forensic science helps in ensuring accuracy, transparency, and efficiency in the criminal justice

system. The traditional investigation techniques are replaced by scientific methods and techniques to identify a criminal. The forensic evidence, like fingerprints, DNA, and footprints, helps to identify a criminal, and it reduces the wrongful conviction rate. The BNS 2023 represents a progressive step toward a modern, evidence-based, and technologically strengthened criminal justice system.

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